In the High Court of Judicature for Rajasthan
Jaipur Bench
**
Cr. Msc. Petition No.2129/2007
Keshar & (2) Ors ***Versus*** State & (3) Ors

Date of Order ::: 05/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Manoj Avasthi, for petitioner
Mr. Arun Sharma, Public Prosecutor

Instant petition has been filed by petitioner against order dt.20/11/07 of the Judl. Mag. Bassi (Jaipur District) in Complaint Case No.28/07 only with a grievance that on submission of private complaint against police officials, learned trial Magistrate was to consider it proper to get his statement recorded but matter was posted almost after one month for recording statement U/s 200 CrPC.

Private complaint for offences U/s 420, 467, 468, 471-A, 323, 341, 447, 452, & 120-B, IPC along with S. 3(1)(10) & 4 of the SC/ST (Prevention of Atrocities) Act, has been filed against police officials and other accused and on which matter was placed before trial Magistrate on 20/11/07 when it was observed that since complaint has been filed against police officials it was considered to get complainant's statement recorded U/s 200 CrPC almost after one month on 21/12/07.

Counsel submits that his statement has to be immediately recorded – in absence whereof, it may cause great injustice to him. It is for the trial Court to examine and this Court does not want to express any opinion so far as fixation of matter at subsequent date. However, this Court does not find justification to exercise inherent jurisdiction.

Consequently, misc. petition fails and is hereby dismissed. If the petitioner considers it proper for preponement of the date, he is always free to move application before the trial Magistrate and if such prayer is made, the Court may examine and proceed in accordance with law.

(**Ajay Rastogi), J.**

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